

REMARKS

The foregoing amendment amends Claims 2, 5, 6, 10, 17, and 18, cancels Claims 1, 3, 4, 7-9, 11-13, 15, 16, 19 and 20, and adds new Claims 21-28. Upon entry of the present amendment, Claims 2, 5, 6, 10, 14, 17, 18, and 21-28 will be pending with Claims 10, 21 and 27 being independent claims.

Claim Rejections – 35 U.S.C. § 102(e)

The Examiner rejected Claims 1 and 3-20, under 35 U.S.C. § 102(e) as being anticipated by U.S. Pub. No. 20030212684 to Meyer *et. al* (“Meyer”). Meyer describes remotely configuring devices based on their location. Figure 1 of Meyer illustrates a service provider (32) connected to an intermediate server (60) that tracks the location of portable devices (12) and remotely configures the devices via network (20). The intermediate server maintains location and preference information for the devices. The location information can be provided by the devices, using GPS or user entered data, or can be determined by the intermediate server, using triangulation techniques or cellular-tower proximity information. Paragraph 0091. The location information and the preference information are used to configure the device. For example, if the device is used in multiple geographic locations, each of which requires different access configurations, then the location and preference information are used to remotely and automatically configure the device. Paragraph 0097.

As previously argued, Meyer does not describe that the intermediate server sends a unique ID identifying the intermediate server to the remote devices and requests that the end users relate the ID that they receive to the location where the ID was received or to other characteristics associated with the location or the end user. Paragraph 0044 of Meyer describes a remote system receiving the location data regarding the geographic location of the remote device, then identifying the set of preferences corresponding to the remote device and geographic location of the remote device.

In the Response to Arguments, the Examiner alleged that “Meyer further teaches the location information are provided to the intermediate server directly from an electronic

device and the device contains a Global Position System (GPS) receiver, or a user manually inputs geographic location information into the device.” Although Meyer may describe that the intermediate server can determine the location of the remote devices, Meyer does not describe that the intermediate server provides an ID that uniquely identifies the intermediate server to an end user or that the end user views the ID and communicates the ID viewed by the user and other information, such as geographic location or demographic information. As clarified in the foregoing amendment, Claim 21 requires that the unique ID is displayed to the end viewers on a television and Claim 22 requires that the end viewers communicate the ID they viewed using via a web site, telephone, mail or e-mail.

The claimed invention is particularly helpful to content providers that distribute their content via cable television. The content provider typically does not have access to detailed information about the cable network, such as which households are connected to which head ends, since the cable companies maintains such information. As described in the specification at page 1, line 25 – page 2, line 7:

One of the problems with current cable television distribution systems is that it is difficult to maintain an association between the distribution devices in the cable television network and the viewers served. The cable television industry has been consolidating so that there are fewer cable operators. Consolidation typically affects the distribution and assignment of distribution devices within the cable television network. When a distribution device is installed at a cable head end, it is assigned to serve certain viewers or viewers located within certain geographic areas. If two cable operations are consolidated, then typically the number of distribution devices is decreased and the number of geographic areas served by a single distribution device is increased. The assignment of the additional geographic areas is not always logical. For example, one or more of the additional geographic areas may be remote from the original geographic areas or geographic areas that would logically be

served by a single distribution device are split between two distribution devices.

In one embodiment of the invention used by THE WEATHER CHANNEL network, the unique ID associated with the receiver unit is displayed to the end viewers during a particular programming segment, such as the local weather segment. Attached hereto as Exhibit A is an example of a graphic provided during a local weather segment in the Seattle-Tacoma, WA area. The unique ID is shown in the lower left corner as “Local weather ID: 999680.” End viewers are contacted and are asked to watch the local weather segment and to communicate the Local weather ID that appears on their television, along with other information, such as their zip code, to a central location. Based on the information that is provided by the end viewers, the geographic areas served by a particular receiver unit are identified. For example, the geographic areas served by a receiver unit having ID 999680 correspond to the zip codes that were associated with that ID by the end viewers.

The foregoing amendment focuses the claims on the method for requesting and gathering the information needed to determine which receiver units serve which geographic areas or which receiver units serve certain demographics.

Claims 10 and 27

Independent Claims 10 and 27 also require communicating a unique receiver unit (or distribution device) ID to an end viewer (or end user), receiving information from the end viewer (or end user) that includes the ID the end viewer received and additional information about the end viewer, such as geographic location where the ID was received or an end user characteristic, and using the received information to determine the geographic areas served by a receiver unit or the end user characteristics of the users served by a distribution device.

Claims 2, 5, 6, 14, 17, 22-26 and 28

Claims 2, 5, 6, 22 and 23 depend from Claim 21, Claims 14 and 24-26 depend from Claim 10, and Claims 17 and 28 depend from Claim 27. The dependent claims are distinguishable from Meyer for at least the same reasons as the independent claims.

INTERVIEW SUMMARY

A telephone interview was conducted on October 3, 2007 between Brian Shield, one of the inventors, Vernon Meadows, a representative of the assignee of the application, Examiner Shahid Al Alam and the undersigned. During the interview, the participants discussed the way the invention collects information to determine what geographic areas or demographics are served by a particular distribution device. No agreement was reached.

CONCLUSION

The foregoing is submitted as a complete response to the Office Action identified above. Applicant believes that all rejections are improper and should be withdrawn. The application should now be in condition for allowance, and the Applicant solicits a notice to that effect. If there are any issues that can be resolved via a telephone conference, the Examiner is asked to contact the undersigned at 404.685.6799. The Commission is authorized to charge any additional fees that may be due or credit any overpayment to Deposit Account No. 11-0855.

Respectfully submitted,



Brenda O. Holmes
Reg. No. 40,339

Kilpatrick Stockton LLP
1100 Peachtree Street
Suite 2800
Atlanta, Georgia 30309
(404) 815-6500
Docket No.: W2100/280782

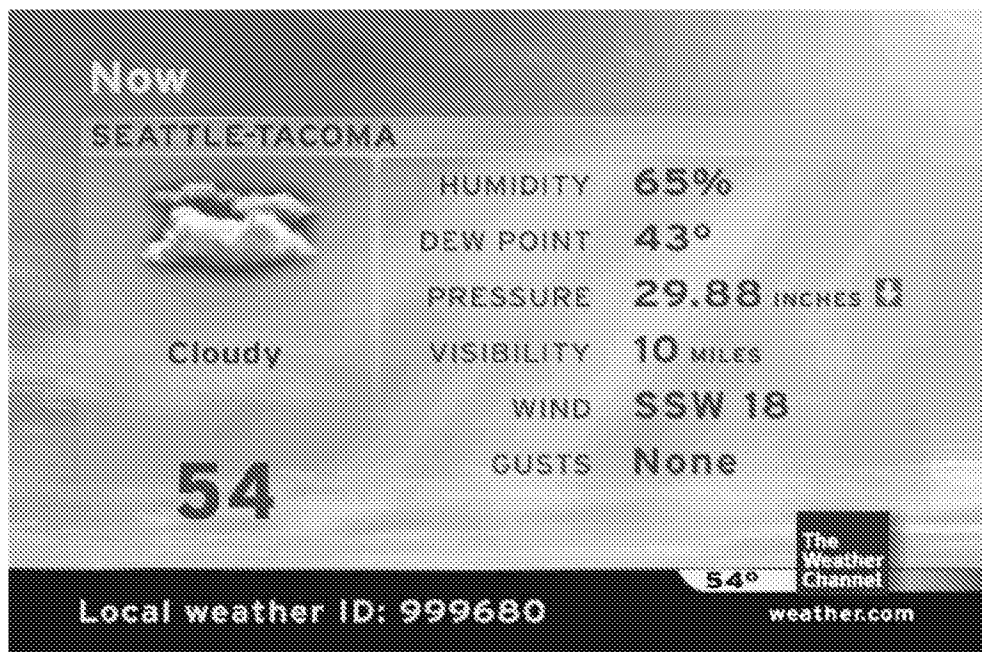


EXHIBIT A